

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

U.S. DISTRICT COURT
DISTRICT OF OREGON

OTIS C. RUSH,

No. CV. 06-1701-AS

Plaintiff,

v.

OPINION AND ORDER

OREGON STEEL MILLS, INC., a Delaware
corporation, dba Oregon Steel Mills,

Defendant.

MOSMAN, J.,

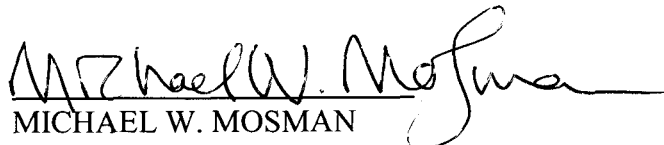
On June 19th, 2007, Magistrate Judge Ashmanskas issued Findings and Recommendation ("F&R") (# 25) in the above-captioned case recommending defendants' motion to dismiss Mr. Rush's sixteenth and seventeenth claim (#8) be GRANTED. Plaintiff filed timely objections on July 6, to which defendants responded on July 24.

The magistrate judge only makes recommendations to the district court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I usually apply *de novo* review. 28 U.S.C. § 636(b)(1)(C). I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are made. *See Thomas v. Arn*, 474

U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Upon review of plaintiff's objections, I agree with Judge Ashmanskas' analysis and recommendation. Thus, I ADOPT the F&R as my own opinion. The motion to dismiss (#8) is GRANTED. IT IS SO ORDERED.

DATED this 17th day of ~~July~~ ^{Aug.}, 2007.


MICHAEL W. MOSMAN
United States District Court